



Sen. Kimberly A. Lightford

Filed: 4/8/2008

09500SB2482sam001

LRB095 17874 NHT 48982 a

1 AMENDMENT TO SENATE BILL 2482

2 AMENDMENT NO. _____. Amend Senate Bill 2482 as follows:

3 on page 1, line 5, by replacing "1C-2," with "1A-4, 1A-10,
4 1C-2, 2-3.11,"; and

5 on page 1, line 5, after "2-3.117,", by inserting "10-20.40,
6 13B-65.10,"; and

7 on page 1, line 5, before "14C-2", by inserting "14-15.01,";
8 and

9 on page 1, line 6, by replacing "and 27-24.4" with "27-24.4,
10 and 34-18.34"; and

11 on page 1, immediately below line 6, by inserting the
12 following:

1 "(105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

2 (Text of Section before amendment by P.A. 95-626)

3 Sec. 1A-4. Powers and duties of the Board.

4 A. (Blank).

5 B. The Board shall determine the qualifications of and
6 appoint a chief education officer, to be known as the State
7 Superintendent of Education, who may be proposed by the
8 Governor and who shall serve at the pleasure of the Board and
9 pursuant to a performance-based contract linked to statewide
10 student performance and academic improvement within Illinois
11 schools. Upon expiration or buyout of the contract of the State
12 Superintendent of Education in office on the effective date of
13 this amendatory Act of the 93rd General Assembly, a State
14 Superintendent of Education shall be appointed by a State Board
15 of Education that includes the 7 new Board members who were
16 appointed to fill seats of members whose terms were terminated
17 on the effective date of this amendatory Act of the 93rd
18 General Assembly. Thereafter, a State Superintendent of
19 Education must, at a minimum, be appointed at the beginning of
20 each term of a Governor after that Governor has made
21 appointments to the Board. A performance-based contract issued
22 for the employment of a State Superintendent of Education
23 entered into on or after the effective date of this amendatory
24 Act of the 93rd General Assembly must expire no later than
25 February 1, 2007, and subsequent contracts must expire no later
26 than February 1 each 4 years thereafter. No contract shall be

1 extended or renewed beyond February 1, 2007 and February 1 each
2 4 years thereafter, but a State Superintendent of Education
3 shall serve until his or her successor is appointed. Each
4 contract entered into on or before January 8, 2007 with a State
5 Superintendent of Education must provide that the State Board
6 of Education may terminate the contract for cause, and the
7 State Board of Education shall not thereafter be liable for
8 further payments under the contract. With regard to this
9 amendatory Act of the 93rd General Assembly, it is the intent
10 of the General Assembly that, beginning with the Governor who
11 takes office on the second Monday of January, 2007, a State
12 Superintendent of Education be appointed at the beginning of
13 each term of a Governor after that Governor has made
14 appointments to the Board. The State Superintendent of
15 Education shall not serve as a member of the State Board of
16 Education. The Board shall set the compensation of the State
17 Superintendent of Education who shall serve as the Board's
18 chief executive officer. The Board shall also establish the
19 duties, powers and responsibilities of the State
20 Superintendent, which shall be included in the State
21 Superintendent's performance-based contract along with the
22 goals and indicators of student performance and academic
23 improvement used to measure the performance and effectiveness
24 of the State Superintendent. The State Board of Education may
25 delegate to the State Superintendent of Education the authority
26 to act on the Board's behalf, provided such delegation is made

1 pursuant to adopted board policy or the powers delegated are
2 ministerial in nature. The State Board may not delegate
3 authority under this Section to the State Superintendent to (1)
4 nonrecognize school districts, (2) withhold State payments as a
5 penalty, or (3) make final decisions under the contested case
6 provisions of the Illinois Administrative Procedure Act unless
7 otherwise provided by law.

8 C. The powers and duties of the State Board of Education
9 shall encompass all duties delegated to the Office of
10 Superintendent of Public Instruction on January 12, 1975,
11 except as the law providing for such powers and duties is
12 thereafter amended, and such other powers and duties as the
13 General Assembly shall designate. The Board shall be
14 responsible for the educational policies and guidelines for
15 public schools, pre-school through grade 12 and Vocational
16 Education in the State of Illinois. The Board shall analyze the
17 present and future aims, needs, and requirements of education
18 in the State of Illinois and recommend to the General Assembly
19 the powers which should be exercised by the Board. The Board
20 shall recommend the passage and the legislation necessary to
21 determine the appropriate relationship between the Board and
22 local boards of education and the various State agencies and
23 shall recommend desirable modifications in the laws which
24 affect schools.

25 D. Two members of the Board shall be appointed by the
26 chairperson to serve on a standing joint Education Committee, 2

1 others shall be appointed from the Board of Higher Education, 2
2 others shall be appointed by the chairperson of the Illinois
3 Community College Board, and 2 others shall be appointed by the
4 chairperson of the Human Resource Investment Council. The
5 Committee shall be responsible for making recommendations
6 concerning the submission of any workforce development plan or
7 workforce training program required by federal law or under any
8 block grant authority. The Committee will be responsible for
9 developing policy on matters of mutual concern to elementary,
10 secondary and higher education such as Occupational and Career
11 Education, Teacher Preparation and Certification, Educational
12 Finance, Articulation between Elementary, Secondary and Higher
13 Education and Research and Planning. The joint Education
14 Committee shall meet at least quarterly and submit an annual
15 report of its findings, conclusions, and recommendations to the
16 State Board of Education, the Board of Higher Education, the
17 Illinois Community College Board, the Human Resource
18 Investment Council, the Governor, and the General Assembly. All
19 meetings of this Committee shall be official meetings for
20 reimbursement under this Act.

21 E. Five members of the Board shall constitute a quorum. A
22 majority vote of the members appointed, confirmed and serving
23 on the Board is required to approve any action, except that the
24 7 new Board members who were appointed to fill seats of members
25 whose terms were terminated on the effective date of this
26 amendatory act of the 93rd General Assembly may vote to approve

1 actions when appointed and serving.

2 Using the most recently available data, the ~~The~~ Board shall
3 prepare and submit to the General Assembly and the Governor on
4 or before January 14, 1976 and annually thereafter a report or
5 reports of its findings and recommendations. Such annual report
6 shall contain a separate section which provides a critique and
7 analysis of the status of education in Illinois and which
8 identifies its specific problems and recommends express
9 solutions therefor. Such annual report also shall contain the
10 following information for the preceding year ending on June 30:
11 each act or omission of a school district of which the State
12 Board of Education has knowledge as a consequence of scheduled,
13 approved visits and which constituted a failure by the district
14 to comply with applicable State or federal laws or regulations
15 relating to public education, the name of such district, the
16 date or dates on which the State Board of Education notified
17 the school district of such act or omission, and what action,
18 if any, the school district took with respect thereto after
19 being notified thereof by the State Board of Education. The
20 report shall also include the statewide high school dropout
21 rate by grade level, sex and race and the annual student
22 dropout rate of and the number of students who graduate from,
23 transfer from or otherwise leave bilingual programs. The
24 Auditor General shall annually perform a compliance audit of
25 the State Board of Education's performance of the reporting
26 duty imposed by this amendatory Act of 1986. A regular system

1 of communication with other directly related State agencies
2 shall be implemented.

3 The requirement for reporting to the General Assembly shall
4 be satisfied by filing copies of the report with the Speaker,
5 the Minority Leader and the Clerk of the House of
6 Representatives and the President, the Minority Leader and the
7 Secretary of the Senate and the Legislative Council, as
8 required by Section 3.1 of the General Assembly Organization
9 Act, and filing such additional copies with the State
10 Government Report Distribution Center for the General Assembly
11 as is required under paragraph (t) of Section 7 of the State
12 Library Act.

13 F. Upon appointment of the 7 new Board members who were
14 appointed to fill seats of members whose terms were terminated
15 on the effective date of this amendatory Act of the 93rd
16 General Assembly, the Board shall review all of its current
17 rules in an effort to streamline procedures, improve
18 efficiency, and eliminate unnecessary forms and paperwork.

19 (Source: P.A. 93-1036, eff. 9-14-04.)

20 (Text of Section after amendment by P.A. 95-626)

21 Sec. 1A-4. Powers and duties of the Board.

22 A. (Blank).

23 B. The Board shall determine the qualifications of and
24 appoint a chief education officer, to be known as the State
25 Superintendent of Education, who may be proposed by the

1 Governor and who shall serve at the pleasure of the Board and
2 pursuant to a performance-based contract linked to statewide
3 student performance and academic improvement within Illinois
4 schools. Upon expiration or buyout of the contract of the State
5 Superintendent of Education in office on the effective date of
6 this amendatory Act of the 93rd General Assembly, a State
7 Superintendent of Education shall be appointed by a State Board
8 of Education that includes the 7 new Board members who were
9 appointed to fill seats of members whose terms were terminated
10 on the effective date of this amendatory Act of the 93rd
11 General Assembly. Thereafter, a State Superintendent of
12 Education must, at a minimum, be appointed at the beginning of
13 each term of a Governor after that Governor has made
14 appointments to the Board. A performance-based contract issued
15 for the employment of a State Superintendent of Education
16 entered into on or after the effective date of this amendatory
17 Act of the 93rd General Assembly must expire no later than
18 February 1, 2007, and subsequent contracts must expire no later
19 than February 1 each 4 years thereafter. No contract shall be
20 extended or renewed beyond February 1, 2007 and February 1 each
21 4 years thereafter, but a State Superintendent of Education
22 shall serve until his or her successor is appointed. Each
23 contract entered into on or before January 8, 2007 with a State
24 Superintendent of Education must provide that the State Board
25 of Education may terminate the contract for cause, and the
26 State Board of Education shall not thereafter be liable for

1 further payments under the contract. With regard to this
2 amendatory Act of the 93rd General Assembly, it is the intent
3 of the General Assembly that, beginning with the Governor who
4 takes office on the second Monday of January, 2007, a State
5 Superintendent of Education be appointed at the beginning of
6 each term of a Governor after that Governor has made
7 appointments to the Board. The State Superintendent of
8 Education shall not serve as a member of the State Board of
9 Education. The Board shall set the compensation of the State
10 Superintendent of Education who shall serve as the Board's
11 chief executive officer. The Board shall also establish the
12 duties, powers and responsibilities of the State
13 Superintendent, which shall be included in the State
14 Superintendent's performance-based contract along with the
15 goals and indicators of student performance and academic
16 improvement used to measure the performance and effectiveness
17 of the State Superintendent. The State Board of Education may
18 delegate to the State Superintendent of Education the authority
19 to act on the Board's behalf, provided such delegation is made
20 pursuant to adopted board policy or the powers delegated are
21 ministerial in nature. The State Board may not delegate
22 authority under this Section to the State Superintendent to (1)
23 nonrecognize school districts, (2) withhold State payments as a
24 penalty, or (3) make final decisions under the contested case
25 provisions of the Illinois Administrative Procedure Act unless
26 otherwise provided by law.

1 C. The powers and duties of the State Board of Education
2 shall encompass all duties delegated to the Office of
3 Superintendent of Public Instruction on January 12, 1975,
4 except as the law providing for such powers and duties is
5 thereafter amended, and such other powers and duties as the
6 General Assembly shall designate. The Board shall be
7 responsible for the educational policies and guidelines for
8 public schools, pre-school through grade 12 and Vocational
9 Education in the State of Illinois. The Board shall analyze the
10 present and future aims, needs, and requirements of education
11 in the State of Illinois and recommend to the General Assembly
12 the powers which should be exercised by the Board. The Board
13 shall recommend the passage and the legislation necessary to
14 determine the appropriate relationship between the Board and
15 local boards of education and the various State agencies and
16 shall recommend desirable modifications in the laws which
17 affect schools.

18 D. Two members of the Board shall be appointed by the
19 chairperson to serve on a standing joint Education Committee, 2
20 others shall be appointed from the Board of Higher Education, 2
21 others shall be appointed by the chairperson of the Illinois
22 Community College Board, and 2 others shall be appointed by the
23 chairperson of the Human Resource Investment Council. The
24 Committee shall be responsible for making recommendations
25 concerning the submission of any workforce development plan or
26 workforce training program required by federal law or under any

1 block grant authority. The Committee will be responsible for
2 developing policy on matters of mutual concern to elementary,
3 secondary and higher education such as Occupational and Career
4 Education, Teacher Preparation and Certification, Educational
5 Finance, Articulation between Elementary, Secondary and Higher
6 Education and Research and Planning. The joint Education
7 Committee shall meet at least quarterly and submit an annual
8 report of its findings, conclusions, and recommendations to the
9 State Board of Education, the Board of Higher Education, the
10 Illinois Community College Board, the Human Resource
11 Investment Council, the Governor, and the General Assembly. All
12 meetings of this Committee shall be official meetings for
13 reimbursement under this Act. On the effective date of this
14 amendatory Act of the 95th General Assembly, the Joint
15 Education Committee is abolished.

16 E. Five members of the Board shall constitute a quorum. A
17 majority vote of the members appointed, confirmed and serving
18 on the Board is required to approve any action, except that the
19 7 new Board members who were appointed to fill seats of members
20 whose terms were terminated on the effective date of this
21 amendatory act of the 93rd General Assembly may vote to approve
22 actions when appointed and serving.

23 Using the most recently available data, the ~~The~~ Board shall
24 prepare and submit to the General Assembly and the Governor on
25 or before January 14, 1976 and annually thereafter a report or
26 reports of its findings and recommendations. Such annual report

1 shall contain a separate section which provides a critique and
2 analysis of the status of education in Illinois and which
3 identifies its specific problems and recommends express
4 solutions therefor. Such annual report also shall contain the
5 following information for the preceding year ending on June 30:
6 each act or omission of a school district of which the State
7 Board of Education has knowledge as a consequence of scheduled,
8 approved visits and which constituted a failure by the district
9 to comply with applicable State or federal laws or regulations
10 relating to public education, the name of such district, the
11 date or dates on which the State Board of Education notified
12 the school district of such act or omission, and what action,
13 if any, the school district took with respect thereto after
14 being notified thereof by the State Board of Education. The
15 report shall also include the statewide high school dropout
16 rate by grade level, sex and race and the annual student
17 dropout rate of and the number of students who graduate from,
18 transfer from or otherwise leave bilingual programs. The
19 Auditor General shall annually perform a compliance audit of
20 the State Board of Education's performance of the reporting
21 duty imposed by this amendatory Act of 1986. A regular system
22 of communication with other directly related State agencies
23 shall be implemented.

24 The requirement for reporting to the General Assembly shall
25 be satisfied by filing copies of the report with the Speaker,
26 the Minority Leader and the Clerk of the House of

1 Representatives and the President, the Minority Leader and the
2 Secretary of the Senate and the Legislative Council, as
3 required by Section 3.1 of the General Assembly Organization
4 Act, and filing such additional copies with the State
5 Government Report Distribution Center for the General Assembly
6 as is required under paragraph (t) of Section 7 of the State
7 Library Act.

8 F. Upon appointment of the 7 new Board members who were
9 appointed to fill seats of members whose terms were terminated
10 on the effective date of this amendatory Act of the 93rd
11 General Assembly, the Board shall review all of its current
12 rules in an effort to streamline procedures, improve
13 efficiency, and eliminate unnecessary forms and paperwork.

14 (Source: P.A. 95-626, eff. 6-1-08.)

15 (105 ILCS 5/1A-10)

16 Sec. 1A-10. Divisions of Board. The State Board of
17 Education shall, before April 1, 2005, create divisions within
18 the Board, including without limitation the following:

- 19 (1) Teaching and Learning Services for All Children.
- 20 (2) School Support Services for All Schools.
- 21 (3) Fiscal Support Services.
- 22 (4) (Blank). ~~Special Education Services.~~
- 23 (5) Internal Auditor.
- 24 (6) Human Resources.

25 The State Board of Education may, after consultation with the

1 General Assembly, add any divisions or functions to the Board
2 that it deems appropriate and consistent with Illinois law.

3 (Source: P.A. 93-1036, eff. 9-14-04.)"; and

4 on page 1, line 11, by replacing "(b)" with "~~(b)~~"; and

5 on page 1, line 12, by replacing "~~(e)~~" with "(c)"; and

6 on page 2, immediately below line 5, by inserting the
7 following:

8 "(105 ILCS 5/2-3.11) (from Ch. 122, par. 2-3.11)

9 Sec. 2-3.11. Report to Governor and General Assembly. Using
10 the most recently available data, to ~~to~~ report to the Governor
11 and General Assembly annually on or before January 14 the
12 condition of the schools of the State for the preceding year,
13 ending on June 30.

14 Such annual report shall contain reports of the State
15 Teacher Certification Board; the schools of the State
16 charitable institutions; reports on driver education, special
17 education, and transportation; and for such year the annual
18 statistical reports of the State Board of Education, including
19 the number and kinds of school districts; number of school
20 attendance centers; number of men and women teachers;
21 enrollment by grades; total enrollment; total days attendance;
22 total days absence; average daily attendance; number of

1 elementary and secondary school graduates; assessed valuation;
2 tax levies and tax rates for various purposes; amount of
3 teachers' orders, anticipation warrants, and bonds
4 outstanding; and number of men and women teachers and total
5 enrollment of private schools. The report shall give for all
6 school districts receipts from all sources and expenditures for
7 all purposes for each fund; the total operating expense, the
8 per capita cost, and instructional expenditures; federal and
9 state aids and reimbursements; new school buildings, and
10 recognized schools; together with such other information and
11 suggestions as the State Board of Education may deem important
12 in relation to the schools and school laws and the means of
13 promoting education throughout the state.

14 In this Section, "instructional expenditures" means the
15 annual expenditures of school districts properly attributable
16 to expenditure functions defined in rules of the State Board of
17 Education as: 1100 (Regular Education); 1200-1220 (Special
18 Education); 1250 (Ed. Deprived/Remedial); 1400 (Vocational
19 Programs); 1600 (Summer School); 1650 (Gifted); 1800
20 (Bilingual Programs); 1900 (Truant Alternative); 2110
21 (Attendance and Social Work Services); 2120 (Guidance
22 Services); 2130 (Health Services); 2140 (Psychological
23 Services); 2150 (Speech Pathology and Audiology Services);
24 2190 (Other Support Services Pupils); 2210 (Improvement of
25 Instruction); 2220 (Educational Media Services); 2230
26 (Assessment and Testing); 2540 (Operation and Maintenance of

1 Plant Services); 2550 (Pupil Transportation Service); 2560
2 (Food Service); 4110 (Payments for Regular Programs); 4120
3 (Payments for Special Education Programs); 4130 (Payments for
4 Adult Education Programs); 4140 (Payments for Vocational
5 Education Programs); 4170 (Payments for Community College
6 Programs); 4190 (Other payments to in-state government units);
7 and 4200 (Other payments to out of state government units).
8 (Source: P.A. 93-679, eff. 6-30-04.)"; and

9 on page 6, immediately below line 2, by inserting the
10 following:

11 "(105 ILCS 5/10-20.40)

12 Sec. 10-20.40. Student biometric information.

13 (a) For the purposes of this Section, "biometric
14 information" means any information that is collected through an
15 identification process for individuals based on their unique
16 behavioral or physiological characteristics, including
17 fingerprint, hand geometry, voice, or facial recognition or
18 iris or retinal scans.

19 (b) School districts that collect biometric information
20 from students shall adopt policies that require, at a minimum,
21 all of the following:

22 (1) Written permission from the individual who has
23 legal custody of the student, as defined in Section
24 10-20.12b of this Code, or from the student if he or she

1 has reached the age of 18.

2 (2) The discontinuation of use of a student's biometric
3 information under either of the following conditions:

4 (A) upon the student's graduation or withdrawal
5 from the school district; or

6 (B) upon receipt in writing of a request for
7 discontinuation by the individual having legal custody
8 of the student or by the student if he or she has
9 reached the age of 18.

10 (3) The destruction of all of a student's biometric
11 information within 30 days after the use of the biometric
12 information is discontinued in accordance with item (2) of
13 this subsection (b).

14 (4) The use of biometric information solely for
15 identification or fraud prevention.

16 (5) A prohibition on the sale, lease, or other
17 disclosure of biometric information to another person or
18 entity, unless:

19 (A) the individual who has legal custody of the
20 student or the student, if he or she has reached the
21 age of 18, consents to the disclosure; or

22 (B) the disclosure is required by court order.

23 (6) The storage, transmittal, and protection of all
24 biometric information from disclosure.

25 (c) Failure to provide written consent under item (1) of
26 subsection (b) of this Section by the individual who has legal

1 custody of the student or by the student, if he or she has
2 reached the age of 18, must not be the basis for refusal of any
3 services otherwise available to the student.

4 (d) Student biometric information may be destroyed without
5 notification to or the approval of a local records commission
6 under the Local Records Act if destroyed within 30 days after
7 the use of the biometric information is discontinued in
8 accordance with item (2) of subsection (b) of this Section.

9 (Source: P.A. 95-232, eff. 8-16-07.)

10 (105 ILCS 5/13B-65.10)

11 Sec. 13B-65.10. Continuing professional development for
12 teachers. Teachers may receive ~~continuing education units or~~
13 continuing professional development units, subject to the
14 provisions of Section 13B-65.5 of this Code, for professional
15 development related to alternative learning.

16 (Source: P.A. 92-42, eff. 1-1-02.)"; and

17 on page 7, immediately below line 18, by inserting the
18 following:

19 "(105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)

20 Sec. 14-15.01. Community and Residential Services
21 Authority.

22 (a) (1) The Community and Residential Services Authority is
23 hereby created and shall consist of the following members:

1 A representative of the State Board of Education;

2 Four representatives of the Department of Human Services
3 appointed by the Secretary of Human Services, with one member
4 from the Division of Community Health and Prevention, one
5 member from the Division ~~the Office~~ of Developmental
6 Disabilities ~~of the Division of Disability and Behavioral~~
7 ~~Health Services~~, one member from the Division ~~the Office~~ of
8 Mental Health ~~of the Division of Disability and Behavioral~~
9 ~~Health Services~~, and one member from the Division ~~of the Office~~
10 of Rehabilitation Services ~~of the Division of Disability and~~
11 ~~Behavioral Health Services~~;

12 A representative of the Department of Children and Family
13 Services;

14 A representative of the Department of Juvenile Justice
15 ~~Corrections~~;

16 A representative of the Department of Healthcare and Family
17 Services;

18 A representative of the Attorney General's Disability
19 Rights Advocacy Division;

20 The Chairperson and Minority Spokesperson of the House and
21 Senate Committees on Elementary and Secondary Education or
22 their designees; and

23 Six persons appointed by the Governor. Five of such
24 appointees shall be experienced or knowledgeable relative to
25 provision of services for individuals with a behavior disorder
26 or a severe emotional disturbance and shall include

1 representatives of both the private and public sectors, except
2 that no more than 2 of those 5 appointees may be from the
3 public sector and at least 2 must be or have been directly
4 involved in provision of services to such individuals. The
5 remaining member appointed by the Governor shall be or shall
6 have been a parent of an individual with a behavior disorder or
7 a severe emotional disturbance, and that appointee may be from
8 either the private or the public sector.

9 (2) Members appointed by the Governor shall be appointed
10 for terms of 4 years and shall continue to serve until their
11 respective successors are appointed; provided that the terms of
12 the original appointees shall expire on August 1, 1990, ~~and the~~
13 ~~term of the additional member appointed under this amendatory~~
14 ~~Act of 1992 shall commence upon the appointment and expire~~
15 ~~August 1, 1994.~~ Any vacancy in the office of a member appointed
16 by the Governor shall be filled by appointment of the Governor
17 for the remainder of the term.

18 A vacancy in the office of a member appointed by the
19 Governor exists when one or more of the following events occur:

20 (i) An appointee dies;

21 (ii) An appointee files a written resignation with the
22 Governor;

23 (iii) An appointee ceases to be a legal resident of the
24 State of Illinois; or

25 (iv) An appointee fails to attend a majority of
26 regularly scheduled Authority meetings in a fiscal year.

1 Members who are representatives of an agency shall serve at
2 the will of the agency head. Membership on the Authority shall
3 cease immediately upon cessation of their affiliation with the
4 agency. If such a vacancy occurs, the appropriate agency head
5 shall appoint another person to represent the agency.

6 If a legislative member of the Authority ceases to be
7 Chairperson or Minority Spokesperson of the designated
8 Committees, they shall automatically be replaced on the
9 Authority by the person who assumes the position of Chairperson
10 or Minority Spokesperson.

11 (b) The Community and Residential Services Authority shall
12 have the following powers and duties:

13 (1) To conduct surveys to determine the extent of need,
14 the degree to which documented need is currently being met
15 and feasible alternatives for matching need with
16 resources.

17 (2) To develop policy statements for interagency
18 cooperation to cover all aspects of service delivery,
19 including laws, regulations and procedures, and clear
20 guidelines for determining responsibility at all times.

21 (3) To recommend policy statements and provide
22 information regarding effective programs for delivery of
23 services to all individuals under 22 years of age with a
24 behavior disorder or a severe emotional disturbance in
25 public or private situations.

26 (4) To review the criteria for service eligibility,

1 provision and availability established by the governmental
2 agencies represented on this Authority, and to recommend
3 changes, additions or deletions to such criteria.

4 (5) To develop and submit to the Governor, the General
5 Assembly, the Directors of the agencies represented on the
6 Authority, and the State Board of Education a master plan
7 for individuals under 22 years of age with a behavior
8 disorder or a severe emotional disturbance, including
9 detailed plans of service ranging from the least to the
10 most restrictive options; and to assist local communities,
11 upon request, in developing or strengthening collaborative
12 interagency networks.

13 (6) To develop a process for making determinations in
14 situations where there is a dispute relative to a plan of
15 service for individuals or funding for a plan of service.

16 (7) To provide technical assistance to parents,
17 service consumers, providers, and member agency personnel
18 regarding statutory responsibilities of human service and
19 educational agencies, and to provide such assistance as
20 deemed necessary to appropriately access needed services.

21 (c) (1) The members of the Authority shall receive no
22 compensation for their services but shall be entitled to
23 reimbursement of reasonable expenses incurred while performing
24 their duties.

25 (2) The Authority may appoint special study groups to
26 operate under the direction of the Authority and persons

1 appointed to such groups shall receive only reimbursement of
2 reasonable expenses incurred in the performance of their
3 duties.

4 (3) The Authority shall elect from its membership a
5 chairperson, vice-chairperson and secretary.

6 (4) The Authority may employ and fix the compensation of
7 such employees and technical assistants as it deems necessary
8 to carry out its powers and duties under this Act. Staff
9 assistance for the Authority shall be provided by the State
10 Board of Education.

11 (5) Funds for the ordinary and contingent expenses of the
12 Authority shall be appropriated to the State Board of Education
13 in a separate line item.

14 (d) (1) The Authority shall have power to promulgate rules
15 and regulations to carry out its powers and duties under this
16 Act.

17 (2) The Authority may accept monetary gifts or grants from
18 the federal government or any agency thereof, from any
19 charitable foundation or professional association or from any
20 other reputable source for implementation of any program
21 necessary or desirable to the carrying out of the general
22 purposes of the Authority. Such gifts and grants may be held in
23 trust by the Authority and expended in the exercise of its
24 powers and performance of its duties as prescribed by law.

25 (3) The Authority shall submit an annual report of its
26 activities and expenditures to the Governor, the General

1 Assembly, the directors of agencies represented on the
2 Authority, and the State Superintendent of Education.

3 (Source: P.A. 95-331, eff. 8-21-07.)"; and

4 on page 20, line 11, by replacing "June 30" with "July 15 ~~June~~
5 ~~30~~"; and

6 on page 20, line 12, by replacing "upon forms prepared by" with
7 "shall certify to ~~upon forms prepared by~~"; and

8 on page 20, line 13, by replacing "shall certify to the
9 regional superintendent" with "~~shall certify to the regional~~
10 ~~superintendent~~"; and

11 on page 71, immediately below line 24, by inserting the
12 following:

13 "(105 ILCS 5/34-18.34)

14 Sec. 34-18.34. Student biometric information.

15 (a) For the purposes of this Section, "biometric
16 information" means any information that is collected through an
17 identification process for individuals based on their unique
18 behavioral or physiological characteristics, including
19 fingerprint, hand geometry, voice, or facial recognition or
20 iris or retinal scans.

21 (b) If the school district collects biometric information

1 from students, the district shall adopt a policy that requires,
2 at a minimum, all of the following:

3 (1) Written permission from the individual who has
4 legal custody of the student, as defined in Section
5 10-20.12b of this Code, or from the student if he or she
6 has reached the age of 18.

7 (2) The discontinuation of use of a student's biometric
8 information under either of the following conditions:

9 (A) upon the student's graduation or withdrawal
10 from the school district; or

11 (B) upon receipt in writing of a request for
12 discontinuation by the individual having legal custody
13 of the student or by the student if he or she has
14 reached the age of 18.

15 (3) The destruction of all of a student's biometric
16 information within 30 days after the use of the biometric
17 information is discontinued in accordance with item (2) of
18 this subsection (b).

19 (4) The use of biometric information solely for
20 identification or fraud prevention.

21 (5) A prohibition on the sale, lease, or other
22 disclosure of biometric information to another person or
23 entity, unless:

24 (A) the individual who has legal custody of the
25 student or the student, if he or she has reached the
26 age of 18, consents to the disclosure; or

1 (B) the disclosure is required by court order.

2 (6) The storage, transmittal, and protection of all
3 biometric information from disclosure.

4 (c) Failure to provide written consent under item (1) of
5 subsection (b) of this Section by the individual who has legal
6 custody of the student or by the student, if he or she has
7 reached the age of 18, must not be the basis for refusal of any
8 services otherwise available to the student.

9 (d) Student biometric information may be destroyed without
10 notification to or the approval of a local records commission
11 under the Local Records Act if destroyed within 30 days after
12 the use of the biometric information is discontinued in
13 accordance with item (2) of subsection (b) of this Section.

14 (Source: P.A. 95-232, eff. 8-16-07.)

15 Section 6. The Illinois School Student Records Act is
16 amended by changing Section 6 as follows:

17 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

18 Sec. 6. (a) No school student records or information
19 contained therein may be released, transferred, disclosed or
20 otherwise disseminated, except as follows:

21 (1) To a parent or student or person specifically
22 designated as a representative by a parent, as provided in
23 paragraph (a) of Section 5;

24 (2) To an employee or official of the school or school

1 district or State Board with current demonstrable
2 educational or administrative interest in the student, in
3 furtherance of such interest;

4 (3) To the official records custodian of another school
5 within Illinois or an official with similar
6 responsibilities of a school outside Illinois, in which the
7 student has enrolled, or intends to enroll, upon the
8 request of such official or student;

9 (4) To any person for the purpose of research,
10 statistical reporting or planning, provided that no
11 student or parent can be identified from the information
12 released and the person to whom the information is released
13 signs an affidavit agreeing to comply with all applicable
14 statutes and rules pertaining to school student records;

15 (5) Pursuant to a court order, provided that the parent
16 shall be given prompt written notice upon receipt of such
17 order of the terms of the order, the nature and substance
18 of the information proposed to be released in compliance
19 with such order and an opportunity to inspect and copy the
20 school student records and to challenge their contents
21 pursuant to Section 7;

22 (6) To any person as specifically required by State or
23 federal law;

24 (6.5) To juvenile authorities when necessary for the
25 discharge of their official duties who request information
26 prior to adjudication of the student and who certify in

1 writing that the information will not be disclosed to any
2 other party except as provided under law or order of court.
3 For purposes of this Section "juvenile authorities" means:
4 (i) a judge of the circuit court and members of the staff
5 of the court designated by the judge; (ii) parties to the
6 proceedings under the Juvenile Court Act of 1987 and their
7 attorneys; (iii) probation officers and court appointed
8 advocates for the juvenile authorized by the judge hearing
9 the case; (iv) any individual, public or private agency
10 having custody of the child pursuant to court order; (v)
11 any individual, public or private agency providing
12 education, medical or mental health service to the child
13 when the requested information is needed to determine the
14 appropriate service or treatment for the minor; (vi) any
15 potential placement provider when such release is
16 authorized by the court for the limited purpose of
17 determining the appropriateness of the potential
18 placement; (vii) law enforcement officers and prosecutors;
19 (viii) adult and juvenile prisoner review boards; (ix)
20 authorized military personnel; (x) individuals authorized
21 by court;

22 (7) Subject to regulations of the State Board, in
23 connection with an emergency, to appropriate persons if the
24 knowledge of such information is necessary to protect the
25 health or safety of the student or other persons;

26 (8) To any person, with the prior specific dated

1 written consent of the parent designating the person to
2 whom the records may be released, provided that at the time
3 any such consent is requested or obtained, the parent shall
4 be advised in writing that he has the right to inspect and
5 copy such records in accordance with Section 5, to
6 challenge their contents in accordance with Section 7 and
7 to limit any such consent to designated records or
8 designated portions of the information contained therein;

9 (9) To a governmental agency, or social service agency
10 contracted by a governmental agency, in furtherance of an
11 investigation of a student's school attendance pursuant to
12 the compulsory student attendance laws of this State,
13 provided that the records are released to the employee or
14 agent designated by the agency;

15 (10) To those SHOCAP committee members who fall within
16 the meaning of "state and local officials and authorities",
17 as those terms are used within the meaning of the federal
18 Family Educational Rights and Privacy Act, for the purposes
19 of identifying serious habitual juvenile offenders and
20 matching those offenders with community resources pursuant
21 to Section 5-145 of the Juvenile Court Act of 1987, but
22 only to the extent that the release, transfer, disclosure,
23 or dissemination is consistent with the Family Educational
24 Rights and Privacy Act; or

25 (11) To the Department of Healthcare and Family
26 Services in furtherance of the requirements of Section

1 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
2 Section 10 of the School Breakfast and Lunch Program Act.

3 (12) To the State Board or another State government
4 agency or between or among State government agencies in
5 order to evaluate or audit federal and State programs or
6 perform research and planning, but only to the extent that
7 the release, transfer, disclosure, or dissemination is
8 consistent with the federal Family Educational Rights and
9 Privacy Act (20 U.S.C. 1221 et seq.).

10 (b) No information may be released pursuant to
11 subparagraphs (3) or (6) of paragraph (a) of this Section 6
12 unless the parent receives prior written notice of the nature
13 and substance of the information proposed to be released, and
14 an opportunity to inspect and copy such records in accordance
15 with Section 5 and to challenge their contents in accordance
16 with Section 7. Provided, however, that such notice shall be
17 sufficient if published in a local newspaper of general
18 circulation or other publication directed generally to the
19 parents involved where the proposed release of information is
20 pursuant to subparagraph 6 of paragraph (a) in this Section 6
21 and relates to more than 25 students.

22 (c) A record of any release of information pursuant to this
23 Section must be made and kept as a part of the school student
24 record and subject to the access granted by Section 5. Such
25 record of release shall be maintained for the life of the
26 school student records and shall be available only to the

1 parent and the official records custodian. Each record of
2 release shall also include:

3 (1) The nature and substance of the information
4 released;

5 (2) The name and signature of the official records
6 custodian releasing such information;

7 (3) The name of the person requesting such information,
8 the capacity in which such a request has been made, and the
9 purpose of such request;

10 (4) The date of the release; and

11 (5) A copy of any consent to such release.

12 (d) Except for the student and his parents, no person to
13 whom information is released pursuant to this Section and no
14 person specifically designated as a representative by a parent
15 may permit any other person to have access to such information
16 without a prior consent of the parent obtained in accordance
17 with the requirements of subparagraph (8) of paragraph (a) of
18 this Section.

19 (e) Nothing contained in this Act shall prohibit the
20 publication of student directories which list student names,
21 addresses and other identifying information and similar
22 publications which comply with regulations issued by the State
23 Board.

24 (Source: P.A. 95-331, eff. 8-21-07.)

25 Section 7. The Illinois Summer School for the Arts Act is

1 amended by adding Section 4.5 as follows:

2 (105 ILCS 310/4.5 new)

3 Sec. 4.5. Transfer to State Board of Education.

4 (a) On the effective date of this amendatory Act of the
5 95th General Assembly, the board of trustees of the Illinois
6 Summer School for the Arts is abolished and the terms of all
7 members end. On that date, all of the powers, duties, assets,
8 liabilities, employees, contracts, property, records, pending
9 business, and unexpended appropriations of the board of
10 trustees of the Illinois Summer School for the Arts are
11 transferred to the State Board of Education.

12 (b) For purposes of the Successor Agency Act and Section 9b
13 of the State Finance Act, the State Board of Education is
14 declared to be the successor agency of the board of trustees of
15 the Illinois Summer School for the Arts.

16 (c) Beginning on the effective date of this amendatory Act
17 of the 95th General Assembly, references in statutes, rules,
18 forms, and other documents to the board of trustees of the
19 Illinois Summer School for the Arts shall, in appropriate
20 contexts, be deemed to refer to the State Board of Education.

21 (d) Rules, standards, and procedures of the board of
22 trustees of the Illinois Summer School for the Arts in effect
23 on the effective date of this amendatory Act of the 95th
24 General Assembly shall be deemed rules, standards, and
25 procedures of the State Board of Education and shall remain in

1 effect until amended or repealed by the State Board of
2 Education.

3 Section 8. The Vocational Education Act is amended by
4 changing Section 2 as follows:

5 (105 ILCS 435/2) (from Ch. 122, par. 697)

6 Sec. 2. Upon the effective date of this amendatory Act of
7 1975 and thereafter, any reference in this Act or any other
8 Illinois statute to the Board of Vocational Education and
9 Rehabilitation, as such reference pertains to vocational and
10 technical education, means and refers to the State Board of
11 Education. Notwithstanding the provisions of any Act or statute
12 to the contrary, upon the effective date of this amendatory Act
13 of 1975, the State Board of Education shall assume all powers
14 and duties pertaining to vocational and technical education.
15 The State Board of Education shall be responsible for policy
16 and guidelines pertaining to vocational and technical
17 education and shall exercise the following powers and duties:

18 (a) To co-operate with the federal government in the
19 administration of the provisions of the Federal Vocational
20 Education Law, to the extent and in the manner therein
21 provided;

22 (b) To promote and aid in the establishment of schools and
23 classes of the types and standards provided for in the plans of
24 the Board, as approved by the federal government, and to

1 co-operate with State agencies maintaining such schools or
2 classes and with State and local school authorities in the
3 maintenance of such schools and classes;

4 (c) To conduct and prepare investigations and studies in
5 relation to vocational education and to publish the results of
6 such investigations and studies;

7 (d) To promulgate reasonable rules and regulations
8 relating to vocational and technical education;

9 (e) To report, in writing, to the Governor annually on or
10 before the fourteenth day of January. The annual report shall
11 contain (1) a statement to the extent to which vocational
12 education has been established and maintained in the State; (2)
13 a statement of the existing condition of vocational education
14 in the State; (3) a statement of suggestions and
15 recommendations with reference to the development of
16 vocational education in the State; (4) (blank); ~~a statement of~~
17 ~~recommendations on programs and policies to overcome sex bias~~
18 ~~and sex stereotyping in vocational education programming and an~~
19 ~~assessment of the State's progress in achieving such goals~~
20 ~~prepared by the state vocational education sex equity~~
21 ~~coordinator pursuant to the Federal Vocational Education Law;~~
22 and (5) an itemized statement of the amounts of money received
23 from Federal and State sources, and of the objects and purposes
24 to which the respective items of these several amounts have
25 been devoted; and

26 (f) To make such reports to the federal government as may

1 be required by the provisions of the Federal Vocational
2 Education Law, and by the rules and regulations of the federal
3 agency administering the Federal Vocational Education Law.

4 (g) To make grants subject to appropriation and to
5 administer and promulgate rules and regulations to implement a
6 vocational equipment program. The use of such grant funds shall
7 be limited to obtaining equipment for vocational education
8 programs, school shops and laboratories. The State Board of
9 Education shall adopt appropriate regulations to administer
10 this paragraph.

11 (Source: P.A. 86-560.)"; and

12 on page 72, immediately below line 5, by inserting the
13 following:

14 "(105 ILCS 5/2-3.95 rep.)"; and

15

16 on page 72, immediately below line 6, by inserting the
17 following:

18 "(105 ILCS 5/2-3.102 rep.)"; and

19

20 on page 72, immediately below line 7, by inserting the
21 following:

22 "(105 ILCS 5/10-22.22a rep.)

1 (105 ILCS 5/13B-40.5 rep.)
2 (105 ILCS 5/13B-40.10 rep.)
3 (105 ILCS 5/13B-40.15 rep.)
4 (105 ILCS 5/13B-40.20 rep.)
5 (105 ILCS 5/13B-40.25 rep.)
6 (105 ILCS 5/13B-40.30 rep.)"; and

7

8 on page 72, immediately below line 11, by inserting the
9 following:

10 "(105 ILCS 5/prec. Sec. 27-25 heading rep.)
11 (105 ILCS 5/27-25 rep.)
12 (105 ILCS 5/27-25.1 rep.)
13 (105 ILCS 5/27-25.2 rep.)
14 (105 ILCS 5/27-25.3 rep.)
15 (105 ILCS 5/27-25.4 rep.)"; and

16

17 on page 72, line 13, after "2-3.94,", by inserting "2-3.95,";
18 and

19 on page 72, line 14, after "2-3.99,", by inserting "2-3.102,";
20 and

21 on page 72, line 14, after "2-3.124,", by inserting "10-22.22a,
22 13B-40.5, 13B-40.10, 13B-40.15, 13B-40.20, 13B-40.25,
23 13B-40.30,"; and

1 on page 72, line 14, by replacing "and 27-23.2" with "27-23.2,
2 27-25, 27-25.1, 27-25.2, 27-25.3, and 27-25.4 and the heading
3 preceding Section 27-25"; and

4 on page 72, immediately below line 14, by inserting the
5 following:

6 "(105 ILCS 310/4 rep.)

7 (105 ILCS 310/5 rep.)

8 Section 15. The Illinois Summer School for the Arts Act is
9 amended by repealing Sections 4 and 5.

10 (105 ILCS 420/Act rep.)

11 Section 20. The Council on Vocational Education Act is
12 repealed.

13 (105 ILCS 423/Act rep.)

14 Section 25. The Occupational Skill Standards Act is
15 repealed.

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.".